

BENJAMIN ELLIOTT.

MAY 25, 1842.

Read, and laid upon the table.

MR. BREWSTER, from the Committee on the Public Lands, submitted the following

REPORT :

The Committee on the Public Lands, to whom was referred the petition of Benjamin Elliott, report :

The petitioner states that " his son, Howard Elliott, was a soldier in the late war, and was entitled to one hundred and sixty acres of land, which was located in the State of Arkansas; that the said Howard Elliott died without issue, and the petitioner was his lawful heir ; that the land patented to said Howard Elliott was wet, swampy, and marshy, and of no value; that, by the laws of the United States, he has the right to change the location of the land, provided he will remove and settle on the same; that he is very old, infirm, and unable to remove to the land; that he is very poor and needy, and prays Congress to pass a law permitting him to change the location of the land without removing to it," &c. By the act of May 22, 1826, it is made lawful for any soldier in the late war, or his heirs, to whom bounty lands have been patented, or may thereafter be patented, in the Territory of Arkansas, and which land is unfit for cultivation, and who have removed or shall thereafter remove to the said Territory, with a view to actual settlement on the lands by them drawn, to surrender their patent, and locate and enter the like quantity on any of the unappropriated land in the military district in said Territory, provided such surrender and relocation shall be made on or before the 1st day of January, 1830, and upon other terms and conditions, in said act prescribed. On the 23d of March, 1830, said law was revived and continued in force for the term of five years, and extended to embrace the States of Illinois and Missouri. The committee do not discover that this law has been re-enacted or further extended; yet there seems to be no good objection to extending the law, by an act of Congress, to this particular case, provided the petitioner sought the relief he would have been entitled to had he availed himself of the provisions of said law during its existence; but he asks to have the privilege of exchanging the land allotted to the soldier for better land, without removing to and settling on the land that should be thus received in exchange.

The object of the law above alluded to seems to have been to promote the settlement of the military bounty lands; and the privilege of exchanging land unfit for cultivation for tillable land was limited to the soldier or his

heirs, and confined to the military bounty tract. The committee have been unable to discover any precedent where such a *privilege* as is sought in this case has been granted, and deem it inexpedient to establish one. Justice to the many who have settled, under previous legislation, upon the military bounty lands, would seem to require that no partial legislation should be adopted at this late day, for the benefit of the few, granting privileges that cannot be conferred upon all. Therefore,

Resolved, That the prayer of the petitioner be not granted.

REPORT

The Committee on the Public Lands, to whom was referred the petition of Benjamin Elliott, report:

The petitioner states that his son, Howard Elliott, was a soldier in the late war, and was entitled to one hundred and sixty acres of land, which was located in the State of Arkansas; that the said Howard Elliott died without issue, and the petitioner was his lawful heir; that the land patented to said Howard Elliott was wet, swampy, and marshy, and of no value; that, by the laws of the United States, he has the right to change the location of the land, provided he will remove and settle on the same; that he is very poor, infirm, and unable to remove to the land; that he is very poor and needy, and prays Congress to pass a law permitting him to change the location of the land without removing to it, &c. By the act of May 22, 1820, it is made lawful for any soldier in the late war, or his heirs, to whom bounty lands have been patented, or may thereafter be patented, in the Territory of Arkansas, and which land is unfit for cultivation, and who have removed or shall thereafter remove to the said Territory, with a view to actual settlement on the lands by them drawn, to surrender their patent, and locate and enter the like quantity on any of the unappropriated land in the military district in said Territory, provided such surrender and relocation shall be made on or before the 1st day of January, 1830, and upon other terms and conditions, in said act prescribed. On the 23d of March, 1820, said law was revised and continued in force for the term of five years, and amended to embrace the States of Illinois and Missouri. The committee do not discover that this law has been rescinded or further extended, and there seems to be no good objection to extending the law, by an act of Congress, to this particular case, provided the petitioner sought the relief he would have been entitled to had he availed himself of the provisions of said law during its existence; but he asks to have the privilege of exchanging the land allotted to the soldier for better land, without removing to and settling on the land that should be thus received in exchange.

The object of the law above alluded to seems to have been to promote the settlement of the military bounty lands; and the privilege of exchanging said land for cultivation for suitable land was granted to the soldier or his